

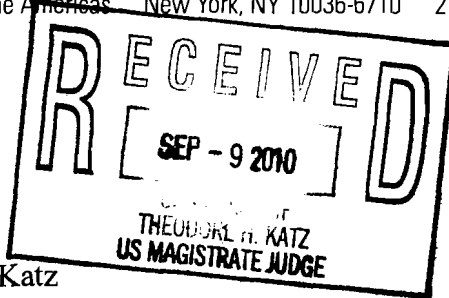
Patterson Belknap Webb & Tyler LLP

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September 9, 2010

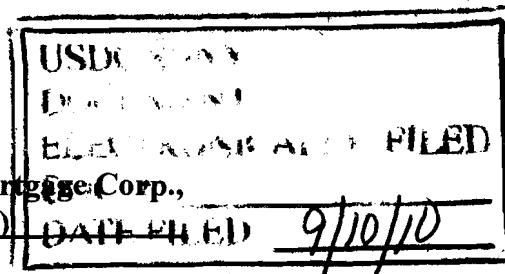
By Hand

Hon. Theodore H. Katz
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312



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Re: **Ambac Assurance Corp. v. EMC Mortgage Corp.,**
Index No. 08 Civ. 9464 (RMB) (THK)



Dear Judge Katz:

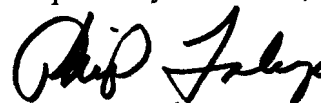
We write on behalf of plaintiff Ambac Assurance Corporation ("Ambac") to seek an increase in the page limit for our reply memorandum of law in further support of Ambac's Motion for Leave to Amend its Complaint ("Motion to Amend"), which is due this Monday, September 13, 2010. Ambac requests that the page limit be set at 25 pages.

Ambac served its original memorandum of law in support of the Motion to Amend without seeking any extension of the standard 25-page limit. Defendant EMC, however, stated that it needed far more than the standard 25 pages for its opposition, and Ambac agreed to a 40-page limit (of which EMC used 37). In those 37 pages, EMC not only addressed the issues that Ambac raised in its initial brief, but also included 16 pages of argument that Ambac's claims are futile, and will not survive a motion to dismiss, and thus the Court should deny leave to amend.

We are mindful of the benefits and desirability of brevity; and will strive to make our legal argument in less than 25 pages. However, based on our current draft, we believe that a brief of up to 25 pages is necessary to respond adequately to EMC's multiple legal arguments on this crucially important motion.

EMC has advised us that they will not consent to a page limit in excess of 15 or 16 pages.

Respectfully submitted,


Philip R. Forlenza

cc: Richard A. Edlin (by e-mail)
Eric N. Whitney (by e-mail)

SO ORDERED

9/10/10


THEODORE H. KATZ

UNITED STATES MAGISTRATE JUDGE